



Markets and Fairs (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

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SCHEDULE.



(Ireland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

The Regulation of Markets and Fairs in Ireland.

[*Note.—The Clauses marked A. to T. were added in Committee.*]

WHEREAS it is expedient to make further Provision for the Regulation of Markets and Fairs in Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)
- 10 the Expression "the Lord Lieutenant" shall mean the Chief Governor or Governors of Ireland for the Time being; the Expression "Lord Lieutenant in Council" shall mean the Lord Lieutenant, by and with the Advice of Her Majesty's Privy Council in Ireland; the Word "County" shall include Riding, and shall also include a County of
- 15 a City or County of a Town; the Word "Town" shall mean and include a City, Town Corporate, Borough, Market Town, or other Town in Ireland; the Expressions "the Commissioner" and "the

Interpretation of Terms used in this Act:

"Lord Lieutenant"

"Lord Lieutenant in Council"

"County"

"Town"

"Commissioner" and "the Assistant

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A

Assistant

- Assistant Commissioner" shall mean the Commissioner or Assistant Commissioner appointed from Time to Time under this Act; the
- "Owner:" Expressions "Owner" or "Owner of the Market or Fair" shall include any Body of Commissioners, and any Body Corporate or Person entitled or claiming to be entitled to hold any Market or Fair in Ireland, whether in respect of the Ownership of the Land on which the Market or Fair is holden, or under any Patent Grant from the Crown, or from any Person entitled to grant or convey the same, and whether authorized to levy Tolls in such Market or Fair or not;
- "Tolls:" the Expression "Tolls" shall extend to and include all Customs, 10 Stallages, Piccage, Cramage, Rents, Fees, and other Dues whatsoever payable by any Person using or frequenting any Market or Fair; the
- "Lease:" Word "Lease" shall include an Agreement for a Lease; the Word
- "Cart:" "Cart" shall include Waggon and also any Carriage used wholly or chiefly for the Conveyance of Goods; the Word "Driver" shall 15
- "Driver:" include the Carter or other Person having the Care of any Cart; the Word "Cattle" shall include any Horse, Mare, Gelding, Foal, Colt, Filly, Bull, Cow, Heifer, Ox, Calf, Ass, Mule, Ram, Ewe, Wether, Lamb, Goat, Kid, or Swine; and the Expression "the
- "Cattle:" Collector" shall mean the Person appointed by the Owner of any 20 Market or Fair to collect the Tolls authorized by this Act, and shall include the Assistants of the Collector; the Expression
- "Collector:" "Superior Courts" shall mean Her Majesty's Superior Courts of Record at Dublin; the Word "Justice" shall mean Justice of the
- "Superior Courts:" Peace acting for the Place where the Matter requiring the Cognizance 25 of any such Justice arises, and if such Matter arise in respect of any Market or Fair situated not wholly in any One Jurisdiction, shall mean a Justice acting for the Place where any Part of such Market
- "Justice:" or Fair shall be situated; the Word "Person" shall include a Corporation, whether aggregate or sole. 30
- "Person:"

Short Title. II. This Act may be cited as "The Markets and Fairs (Ireland) Act, 1858."

Provisions of Lands Clauses Consolidation Act, 1845, extended to this Act. III. The several Provisions of the "Lands Clauses Consolidation Act, 1845," shall, so far as the same may be applicable to and are not inconsistent with or modified by the Provisions of this Act, be 35 incorporated with and form Part of this Act, and shall be applicable to the Purposes thereof; and in the Construction of this Act and the said incorporated Act this Act shall be deemed to be the Special Act: Provided always, that all Things by the "Lands Clauses Consolidation Act, 1845," required or authorized to be done by 40 the Promoters of the Undertaking, may be done by the Owner of any Market or Fair under this Act.

IV. It

IV. It shall and may be lawful for the Lord Lieutenant, by Warrant under his Hand, to appoint a competent Person to be Commissioner under this Act, to hold such Office during the Pleasure of the Lord Lieutenant, and upon every Vacancy in the Office of such Commissioner in like Manner to appoint some other competent Person to such Office; and the said Person to be from Time to Time appointed shall be the Commissioner for the Execution of this Act, and shall be styled "The Commissioner of Markets and Fairs in Ireland."

Commissioner to be appointed by the Lord Lieutenant.

V. It shall also be lawful for the Lord Lieutenant to appoint an Assistant Commissioner, to aid in the Performance of the Duties of the Commissioner under this Act, to hold such Office during the Pleasure of the Lord Lieutenant; and upon every Vacancy in the Office of such Assistant Commissioner in like Manner to appoint some other competent Person to such Office; and such Assistant Commissioner shall be styled "The Assistant Commissioner of Markets and Fairs in Ireland."

Lord Lieutenant may appoint an Assistant Commissioner.

VI. Each Commissioner or Assistant Commissioner appointed under this Act shall, before he enters upon the Execution of his Office, make the following Declaration before One of the Justices of the Court of Queen's Bench or Common Pleas, or One of the Barons of the Court of Exchequer in Ireland; that is to say,

Declaration to be made before acting.

"I DO solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, fulfil all the Powers and Duties of the Commission under "The Markets and Fairs (Ireland) Act, 1858."

And the Appointment of such Commissioner or Assistant Commissioner, with the Time when and the Name of the Justice or Baron before whom he shall have made the said Declaration, shall be forthwith published in the Dublin Gazette.

VII. The Commissioner shall cause to be made a Seal for his Commission, and shall cause to be sealed therewith all Orders and other Instruments made by or proceeding from the Commissioner or Assistant Commissioner in pursuance of this Act; and all such Orders and other Instruments, or Copies thereof, purporting to be sealed with such Seal, shall be received in Evidence, without any further Proof thereof or of the Appointment of the Commissioner or Assistant Commissioner.

Commissioner to have a Common Seal.

VIII. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct a Salary, not exceeding Pounds per Annum, to be paid to the Commissioner, and a Salary, not exceeding [110.] A 2

Salary to be paid out of Monies to be provided by Parliament.

Pounds per Annum to be paid to the Assistant Commissioner, appointed under this Act; and such Salary, and all incidental Expenses of carrying this Act into execution, if any such Expenses be incurred, not herein otherwise provided for, shall be paid out of such Money as shall be provided by Parliament for the 5 Purpose.

Power to
submit
Witness

IX. It shall be lawful for the Commissioner or Assistant Commissioner, by Summons under his Seal, to require the Attendance before him, at a Time and Place to be mentioned in such Summons, of all such Persons as he shall think it necessary to examine in 10 relation to any Inquiry directed or authorized by this Act, or any Question or Matter depending before him as such Commissioner or Assistant Commissioner, and to require all such Persons to produce before him all Deeds, Books, Papers, Documents, and Writings relating to such Inquiry, Question, or Matter, and to examine upon Oath, 15 which he is hereby empowered to administer, all Persons who shall under such Summons or voluntarily attend before him as Witnesses.

Penalty for
Non-atten-
dances.

X. If any Person required by such Summons to attend before the Commissioner or Assistant Commissioner shall, without reasonable Cause, to be allowed by him, fail to appear according to such Summons (having been paid or tendered a sufficient Sum of Money to defray the Charges of his Attendance), or shall refuse to be sworn, or shall not make answer to all such Questions as shall be lawfully put to him by the Commissioner or Assistant Commissioner, or shall refuse or fail to produce before the Commissioner or Assistant Commissioner any such Deed, Book, Paper, Document, or Writing, being in or under his Custody, Possession, or Power, as shall be lawfully required to be produced by him, he shall be subject to a Penalty for every such Offense not exceeding Ten Pounds.

Power to
Commissioner to
proceed upon
Affidavit.

XI. The Commissioner or Assistant Commissioner may, if he think fit, receive in Evidence Affidavits, and such Affidavits may be made before any Justice of the Peace, or any Person empowered to take Affidavits, to be used in any of the Superior Courts in Ireland; and all Persons who shall wilfully give false Evidence or otherwise forswear themselves in any such Examination or Affidavit shall upon Conviction thereof be liable to the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are now liable to by Law.

CLAUDE A. OWNERS, if required by Commissioner, shall

XII. Every Owner of a Market or Fair in Ireland (save and except Trustees, Commissioners, or Corporations under any Local Act of Parliament, and Owners of Markets in the City of Dublin), shall.

shall, within One Month after being required so to do by Notice under the Seal of the Commission, served personally on or left at the Dwelling House of such Owner, furnish to the Commissioner the original Patent or other Instrument giving the Right to hold such
 5 Market or Fair, or such Evidence thereof, if not capable of being produced, as it may be in his Power to give, together with a short Statement or Abstract setting forth his Title to such Market or Fair, and in case such Owner shall claim to be authorized to levy Tolls in such Market or Fair he shall also furnish a true Copy of the Schedule
 10 of Tolls specified on the Board erected at the Entrance of such Market or Fair, under the Provisions of an Act passed in the Fifty-seventh Year of the Reign of His Majesty King George the Third, Chapter One hundred and eight; and in case any such Owner shall, without reasonable Excuse, neglect or refuse to furnish such
 15 Statement of his Title to hold such Market or Fair, or such Copy of the Schedule of Tolls, he shall be liable to a Penalty of Five Pounds for each and every Week he shall neglect so to do after the Expiration of the said Period of One Month; and in case he shall neglect so to do for the Period of One Year he shall forfeit and
 20 absolutely lose all Right to hold such Market or Fair: Provided always, that it shall be lawful for the Commissioner, in case he shall so think fit, to enlarge or extend the said Period of One Month hereinbefore limited for the Purposes aforesaid.

furnish their Title to hold a Market or Fair, together with Schedule of Tolls levied.

XIII. The Commissioner, upon being satisfied of the Right and
 25 Title of any Person to be the Owner of any Market or Fair, shall make an Order to that Effect, and he shall cause the same to be published in the Dublin Gazette and in such local Newspaper as he shall direct.

CLAUSE B.
Commissioner to make an Order declaring Owner's Title.

XIV. The Person named in any such Order, or in any Order made
 30 in respect of the Ownership of any new or proposed Market or Fair, or any Person thinking himself aggrieved by any such Order, may appeal against the same, within Three Calendar Months after the Publication of such Notice in the Dublin Gazette; and such Appeal shall be by a summary Petition to One of the Superior Courts of Law
 35 in Dublin, stating the Order appealed from, and the Grounds of such Appeal, and praying that such Order may be reversed, amended, or varied, in the Manner therein to be mentioned.

CLAUSE C.
Person named in Order, and Person considering himself aggrieved, may appeal by summary Petition to Superior Courts.

XV. The Court to which such Appeal shall be made shall for the Purpose of such Appeal have all the Powers and Authority conferred
 40 upon the Commissioner under this Act, and may vary, alter, reverse, or suspend the Operation of the Order of the Commissioner, and if such Court shall think fit may declare a different Person from the Person

CLAUSE D.
Proceedings upon Appeal to Judges of Superior Courts.

named by the Commissioner to be the Owner of such Market or Fair; and the Order made upon such Appeal shall forthwith, or in case of an Appeal then the Order of the Commissioner shall after the Lapse of the said Period of Three Months, be conclusive of the Title of the Person named therein, and declared thereby to be the Owner of such Market or Fair.

CLAUDE E.
After Title
of Owner
of Market or
Fair con-
clusively
established,
Commis-
sioner to
settle and
revise Copy
of Schedule
of Tolls.

XVI. When the Title of any Person to be the Owner of any Market or Fair shall have been conclusively established as aforesaid, and when an Order declaring any Person Owner of any proposed Market or Fair shall have been made, the Commissioner shall and may proceed to settle or revise the Schedule of Tolls to be demanded and taken in such Market or Fair or proposed Market or Fair, whether Tolls shall have been previously levied therein or not; provided that the Tolls on any Article mentioned in such Schedule shall not exceed the Tolls set forth in the Schedule to this Act annexed, and that Tolls shall not be payable in respect of any Article which is not included in the Schedule to this Act annexed; and the said Schedule of Tolls so settled or revised shall be signed by the Commissioner, and sealed with his Seal of Office, and delivered to the Owner; but the same may be appealed from by the Owner, or by any Person thinking himself to be aggrieved thereby, in the same Manner as an Order declaring the Owner of a Market or Fair may be appealed from under the Provisions of this Act: Provided always, that every Person, other than the Owner, who shall so appeal, shall give Security by Recognizance, with Two sufficient Sureties, to be entered into before the Commissioner or some Justice of the Peace in Ireland, conditioned to prosecute the Appeal, and abide the Order of the Court.

CLAUDE F.
In case no
Accommo-
dation, or
insufficient
Accommo-
dation, Com-
missioner
may order
Accommo-
dation to be
provided
within a
limited
Time.

XVII. In case it shall appear to the Commissioner that no Accommodation or insufficient Accommodation is given or provided in any Market or Fair by the Owner, for the Reception and Exposure for Sale of Cattle or any Articles in respect of which Tolls are payable, the Commissioner may, by an Order under his Hand and Seal of Office, direct that the Accommodation specified in such Order shall be given or afforded within the Time therein limited for that Purpose; and the Commissioner may order that until such Accommodation shall be complete, or the Order in that Behalf altered or rescinded, the Tolls payable in such Market or Fair, or some Portion thereof, to be specified therein, shall not be levied.

CLAUDE G.
In case
Accommo-
dation is pro-
vided, Com-
missioner is
to give a

XVIII. In case the Accommodation specified in the Order of the Commissioner, or in any Order made upon Appeal therefrom, shall have been completed at or before the Time thereby limited for that Purpose, the Commissioner shall give a Certificate under his Hand and Seal of Office to the Owner of such Market or Fair, certifying that the

- the Accommodation specified in such Order of the Commissioner, or in such Order made upon Appeal therefrom, has been provided; and in case such Accommodation shall not have been provided within the Time limited for such Purpose, the Commissioner may apply for and obtain a Writ of Mandamus forth of Her Majesty's Court of Queen's Bench in Ireland, according to the usual Practice of that Court, to compel the Owner of such Market or Fair to provide the Accommodation specified in the Order directing the same to be made; and in case the Owner of such Market or Fair shall neglect or refuse to provide such Accommodation for Twelve Calendar Months after such Order shall have been made, and a Copy thereof served on such Owner as aforesaid, or such other Time as the Commissioner or Court of Appeal may direct, the Commissioner may, by an Order under his Hand and Seal of Office, subject to Appeal as herein-after mentioned, declare that in consequence of the Neglect of such Owner to complete such Accommodation within the Time limited as aforesaid the Right of such Owner to hold such Market or Fair shall cease and determine; provided that the Commissioner may extend and enlarge the Time limited by such Order, or any Order made upon Appeal therefrom, for the Completion of the Accommodation specified in such Order; and every such Order of the Commissioner for such Accommodation, and every Order declaring that the Right of the Owner to hold such Market or Fair shall cease and determine, may be appealed from to One of the Superior Courts of Law in Ireland, within such Period, and subject to the like Regulations, and determined in the like Manner, as is herein-before provided in respect of Appeals from the Order of the Commissioner as to the Ownership of Markets or Fairs.

- XIX. Immediately upon such final Settlement of the said Schedule of Tolls the Tolls therein specified shall be the only Tolls which can be legally taken or claimed in the Market or Fair to which such Schedule shall apply; and all Persons collecting Tolls, or claiming a Right to the Tolls so collected, at any such Fair or Market in Ireland, shall erect, affix, and keep up, at all Times during the entire of the Days on which such Markets and Fairs are held, in some conspicuous Place at each of the principal Entrances of the same, a Board having painted thereon in large and legible Characters an exact Copy of such Schedule of Tolls, so that such Boards may be referred to and examined by any Person desirous of so doing.

- XX. Every Person who shall demand any Toll or Custom, without having previously erected such Board, and duly kept up and maintained the same as aforesaid, or who shall demand any Toll or Custom not specified on such Board, shall forfeit for every such Offence the Sum of Forty Shillings, and shall refund the Amount of

[110.]

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such

Certificates;
otherwise
may apply
for Mandamus
to compel Com-
pletion.

List of Tolls
to be set up
in con-
spicuous
Places.

Penalty for
Neglect.
57 G. 3.
c. 108. s. 3.

such illegal Toll to the Person improperly charged therewith: Provided, however, that in case it shall appear that any Toll Board shall have been defaced or removed by Violence, then such Collector shall not be liable to such Penalty, unless he shall neglect to reinstate such Board as soon as the same may be reasonably done.

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57 G. 3.
c. 108. s. 4.
Penalty for
defacing
Board.

XXI. Every Person who shall deface or remove any such Board, or shall aid or assist in defacing or removing the same, shall for every such Offence forfeit a Sum not exceeding Five Pounds, or be liable to be imprisoned for any Period not exceeding Two Months.

Commis-
sioner may,
after Five
Years, re-
consider
Schedule.

XXII. The Commissioner may, at any Time after the Expiration 10 of Five Years from the Settlement of any Schedule of Tolls, on the Application of the Owner, or of Twenty-one or more Persons rated to the Relief of the Poor to the Value of Eight Pounds and upwards, residing in the Town or Place at which such Market or Fair is held, or within Three Miles thereof, proceed to reconsider, revise, and 15 settle such Schedule; and all the Powers, Directions, and Provisions herein-before contained in relation to the original Settlement of any Schedule of Tolls, and the Right of Appeal therefrom, shall apply to such new Revision, as if the same were here repeated.

Byelaws.

XXIII. The Commissioner may from Time to Time, with such 20 Approval as is herein-after required, make Byelaws for the Regulation of any Fair or Market, or generally of all Fairs and Markets in Ireland (except such Fairs and Markets as are regulated by any Local Act of Parliament, or held under the Provisions of any Local Act, or held in the Borough of Dublin), and for carrying the Purposes of this Act 25 into execution, provided such Byelaws be not repugnant to the Laws of that Part of the United Kingdom, and may also, with the like Approval, from Time to Time repeal or alter any such Byelaws; and the Commissioner by such Byelaws may impose such reasonable Penalties as he shall think fit, not exceeding Five Pounds for each 30 Breach thereof.

Byelaws to
be approved
by the Lord
Lieutenant
in Council.

XXIV. No such Byelaws shall come into operation until approved of by the Lord Lieutenant in Council, and the same shall thereupon be published in the "Dublin Gazette," and a Copy thereof lodged with the Clerk of the Peace of any and every County in which the 35 Fair or Market, or any Part thereof intended to be affected by such Byelaws, is situate.

Copy of
Byelaws to
be posted in
conspicuous
Places and
on nearest
Police Bar-
rack.

XXV. A Copy of each of such Byelaws shall be transmitted to the Owner of each Fair or Market to which they shall apply; and such Owner shall thereupon erect and keep up, in some conspicuous Part of 40 the said Fair or Market, during the entire of the Days on which the same are held, a Board, having painted thereon in large and legible Characters

Characters an exact Copy of each of such Byelaws, and shall also cause a written or printed Copy of each of such Byelaws to be posted at or near any Constabulary Barrack which shall be situate within or shall be most contiguous to such Fair or Market.

- 5 XXVI. The Publication of such Byelaws in the "Dublin Gazette," Publication of Byelaws.
 and the posting of the same at or near some Constabulary Barrack, as
 herein-before provided, shall be conclusive Evidence of the making,
 Allowance, and due Publication of the said Byelaws, and the said
 Byelaws shall thereupon be (until repealed or altered as aforesaid)
 10 as binding and conclusive as if the same had been expressly enacted
 herein.

- XXVII. Every Owner who shall neglect, within One Month from
 the Receipt of such Byelaws, to erect and keep up a Board having
 painted thereon a Copy of each of such Byelaws, shall for the First Penalty for not posting Byelaws.
 15 Offence forfeit the Sum of Forty Shillings, and for every such addi-
 tional Offence he shall forfeit the Sum of Five Pounds.

- XXVIII. The Constabulary of the County in which each Fair or Constabulary to enforce Regulations of Commissioners.
 Market is situate shall be charged with the Duty of preserving Order
 therein, and shall keep or cause to be kept free from Obstruction
 20 and Nuisance all Passages and Thoroughfares leading unto or through
 such Market or Fair, and shall compel all Drivers of Cattle and
 Carts and Owners of Articles in respect of which Tolls are payable,
 resorting to such Market or Fair, to go with their Goods to the
 Place where the Market or Fair is holden, provided there is Room
 25 and Accommodation therein for such Cattle, Carts, or Articles, and
 shall generally use their best Exertions to enforce the Byelaws and
 other Regulations of the Commissioner, and carry the same and this
 Act into effect and operation.

- XXIX. Upon the Application to the Lord Lieutenant of Twenty- Upon Application to Lord Lieutenant, where Persons are willing to provide a better Site for any Market or a new Market, Lord Lieutenants may direct Enquiry.
 30 one or more Persons rated to the Relief of the Poor to the Value of
 Eight Pounds or upwards in any County or Town in Ireland,
 complaining of Inconvenience arising in such Town or in any Part of
 such County from the Want of a Market or Fair, or from the Want
 of a sufficient Number thereof, or from the Insufficiency or Incon-
 35 venience of the Site of any such Market or Fair as may be there held,
 or from the Day or Days on which the same has been previously held,
 and representing that the Applicants, or some or One of them, or some
 other Person named in such Application, are or is willing to provide
 an eligible Site for a Market or Fair in such Town or in such Part
 40 of such County, together with the requisite Accommodation for the
 same, it shall be lawful for the Lord Lieutenant, if he shall think fit,

by his Warrant to direct the Commissioner to make Inquiry into the Matter of such Application, and otherwise to proceed in relation thereto under the Provisions of this Act.

Commissioner to make Inquiry, and may make Order thereon.

XXX. The Commissioner shall, as soon as conveniently may be after being directed to make such Inquiry as aforesaid, go to the 5 Town or Place where the existing Market or Fair is holden, or where it is proposed that a Market or Fair shall be established, and there make Inquiry into the Matter of such Application, and hold One or more Sitzings for that Purpose, and may adjourn any such Sitting from Time to Time, and shall give Notice of the said Order of the 10 Lord Lieutenant, and of the Time and Place of his First Sitting, by publishing the same in some Newspaper usually circulated in such Town or Place, and by Notice in Writing to the Owner of such existing Market or Fair, or of the Market or Fair usually holden nearest to the Place at which it is proposed that such new Market or 15 Fair shall be established, which Notice shall be delivered to the Owner, or left at his usual Place of Residence, or transmitted to him thereat through the Post Office, at least One Month previous to the Time of such First Sitting.

CLAUDE H. Commissioner, by Order, to declare the Owner of Market and the Accommodation to be provided.

XXXI. After making such Inquiry as aforesaid, the Commissioner 20 may make an Order under his Seal of Office, declaring that a Market or Fair shall thenceforth be held in the said Town or Place at such Times as he shall therein specify, and in such Case he shall also declare who shall be the Owner of such Market or Fair, and what shall be the Accommodation to be provided by such Owner for the 25 holding of the same, and the Time within which the same shall be provided, and the Tolls to be taken and levied at such Market or Fair, or so many of such Particulars or such other Particulars as shall appear to the Commissioner to be necessary; and such Order shall be subject to Appeal, as herein-before provided with respect to 30 an Order declaring the Owner of any Market or Fair; and such Order, if not appealed from for the Period of Three Months from the making thereof, or if appealed from then as the same shall be affirmed or varied on Appeal, shall be final and conclusive as to the several Rights and Duties declared and enjoined therein. 35

CLAUDE L. When Accommodation provided Certificate to be given.

XXXII. When the Owner of any proposed new Market or Fair, or the Owner of any existing Market or Fair, shall have completed the Accommodation directed by the Commissioner or the Court to be provided for that Purpose, the Commissioner may give such Owner a Certificate stating that such Accommodation has been provided; and 40 any such Owner receiving such Certificate, and in other respects complying with the Requirements of this Act, shall be entitled from the Date

Date of the Certificate to hold the said Market or Fair, and levy the Tolls specified in the Schedule of Tolls fixed by the Commissioner; provided that in case the Owner shall not have provided the Accommodation specified in the Order within the Time limited for that Purpose, the Commissioner may, upon the Expiration of the Time so limited, cancel the Order he shall have made in favour of such Owner, and make such further Order in favour of any other Persons whom he may declare to be entitled thereto, or, in case he shall so think fit, may apply for and obtain a Mandamus forth of the Court of Queen's Bench to compel the Person already declared to be the Owner of the Market or Fair to provide the Accommodation so directed as aforesaid.

XXXIII. Nothing herein contained shall prejudice the Rights of any Person who shall have advanced Money to any Owner of any Market or Fair upon Security, by way of Mortgage or otherwise, of the Tolls of such Market or Fair; and the Tolls arising or to arise under the Provisions of this Act shall be liable to the Payment of the Sum due for Principal or Interest on such Security, as fully and effectually as the Tolls of such Market or Fair were liable before the passing of this Act.

XXXIV. It shall be lawful for the Owner of any Market or Fair to purchase Land, in such Place as the Commissioner shall approve, not exceeding in the whole Ten Acres, for the Purposes of providing an improved or enlarged Site for such Market or Fair, or making convenient Approaches thereto, or of enlarging or otherwise improving the same or the Accommodation therein, under the Provisions of this Act; and for effecting such Purchase "The Railways Act (Ireland), 1851," so far as the Provisions of the same can be made applicable to this Act, shall be held to extend thereto, and the Commissioner shall for the foregoing Purposes be invested with the Powers, Authorities, and Duties of the Arbitrator named in said recited Act, and all Things authorized to be done by the said Act by the Promoters of the Undertaking may be done by the Owner of the Market or Fair under this Act.

XXXV. The Owner of any Market or Fair may borrow at Interest, on the Security of the Lands appropriated to such Market or Fair, or any Property purchased for such improved Site, and of such Tolls and Charges as he may be authorized to levy under the Provisions of this Act, such Sums as he may think necessary for such Purposes, and may accordingly grant Mortgages of the Tolls authorized by this Act, and of the Property appropriated for such Market or Fair, or purchased for the improved Sites of such Markets or Fairs, or any Part thereof, to the Person advancing the Money, or his Nominee, as a Security for the same.

[110.]

B 2

XXXVI. When

On Completion of Market or Fair, Tolls to be taken according to the Order.

XXXVI. When any Market or Fair, or the additional Accommodation for the same mentioned in any Order under this Act, shall be completed and fit for Use, to the Satisfaction of the Commissioner, Notice thereof shall be published by him in the "Dublin Gazette," and in One or more Newspapers circulated in the Neighbourhood of the Market or Fair, and such Publication shall be conclusive Evidence of such Completion, and also that all previous Steps and Proceedings have been duly taken, and thereupon such Market or Fair shall be deemed a legal Market or Fair, and the several Tolls to be taken at such Market or Fair, which are fixed in such Order, shall become payable to the Persons or Person mentioned in such Order, their and his respective Heirs and Assigns, or to their respective Officers: Provided always, that previously to the opening of any such Market or Fair the Schedule of Tolls and Copy of the Byelaws shall be printed and posted as herein-before provided, and any Byelaw for the Regulation of all Markets and Fairs generally shall be construed to extend to every such Market or Fair, unless it be by express Words exempted from the Operation thereof.

Mode of giving Notice.

XXXVII. Whenever Notice is herein-before directed to be given of any Order made or Schedule revised or settled by the Commissioner, such Notice shall be given by Publication of a Copy thereof in One or more Newspapers circulated in the Neighbourhood of the Market or Fair to which such Notice shall apply, and by posting printed Copies thereof at such Places as the Commissioner shall direct.

Sales elsewhere than in Markets prohibited.

XXXVIII. After any Market or Fair shall have been opened for public Use, under the Provisions of this Act, every Person who shall sell or expose for Sale, on the Day or Days on which such Market or Fair is holden, in any Place within the Limits of the Market or Fair, except in his own Dwelling House or Shop, any Articles in respect of which Tolls are by this Act payable and have not been paid, or who shall publicly sell or expose for Sale, or who shall weigh for Hire, any Articles for the weighing of which at the Market or Fair Scale Tolls are payable, within Three Miles of such Market or Fair Scales, on the Day or Days aforesaid, without paying such Tolls, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Markets Days.

XXXIX. After any Market or Fair, or Place for Fairs, is opened for public Use, the Owner of such Market or Fair shall hold Markets and Fairs therein on the Day prescribed by the Commissioner, and on such other Days as the Commissioner shall appoint, from Time to Time, by any Byelaw to be made in pursuance of this Act.

XL. The

XL. The Person entitled to the Tolls of any Market or Fair in Ireland shall always keep therein a Register containing such Particulars of the Quantity of the Articles sold in such Market or Fair, and the Prices thereof, and such other Particulars relating to such Market or Fair as the Commissioner shall by his Order direct, and shall produce such Register to the Commissioner for his Inspection and Perusal as often as he shall be required, and shall permit Copies or Extracts to be made therefrom by such Person as the Commissioner or the Lord Lieutenant shall from Time to Time appoint; and every such Person who shall refuse or neglect to keep such Register, or to permit such Copies or Extracts to be made, and every Person appointed to weigh any Articles sold in such Market or Fair who shall refuse or neglect to enter such Particulars in such Register, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

A Register of the Quantity of Articles sold in Market or Fair, &c. to be kept.

XLI. Upon the Application to the Lord Lieutenant of the Grand Jury of any County in Ireland, representing that any Market or Fair held within such County is unnecessary, and prejudicial to the Interests of the Locality wherein the same is held, and that for this or any other Reason such Market or Fair should, in the Opinion of such Grand Jury, cease to be held, it shall be lawful for the Lord Lieutenant, if he shall think fit, to direct the Commissioner to make Inquiry into the Matter of such Representation, and the Commissioner shall thereupon proceed to make such Inquiry in the Manner herein-before provided in other Cases of Inquiries directed to be made by him, and shall ascertain and determine whether or not such Market or Fair should cease to be held, and in case he should find in the Affirmative he may make an Order in relation thereto, in like Manner as herein-before provided in other Cases, directing that such Market or Fair shall cease to be held after the Lapse of Three Months from the Date of such Order; and every such Order shall be liable to be appealed from to One of the Superior Courts of Law in Ireland, and such Appeal shall be heard and determined as herein-before provided in respect of Appeals as to the Ownership of a Market in other Cases: Provided always, that if there be no Appeal within the Time limited for Appeals under the Provisions of this Act, or if the Report on such Appeal shall affirm such Order, Notice of such Order shall be given in the Dublin Gazette and in One or more Newspapers circulated in the Neighbourhood of such Market or Fair, and from and after the Time specified in such Order such Market or Fair shall cease to be a legal Market or Fair within the Meaning of this Act; and any Person holding such Market or Fair after the Time so specified, or levying or demanding any Tolls therein, shall be subject to a Penalty for every such Offence not exceeding Ten Pounds.

Markets or Fairs no longer necessary may be discontinued, on Application of Grand Jury.

Collectors,
Clerks, &c.
to be ap-
pointed by
Justices, or
the Case
may be.

XLII. The Owner of the Market or Fair under this Act shall appoint and always maintain such Collectors, Weighmasters, and other Officers for the Regulation of the Market or Fair, and for the Preservation of Order therein, as the Commissioner shall deem requisite and by any Order or Orders direct, and may from Time to Time remove and dismiss all or any of such Officers, and appoint others to fill the Situation or Situations so made vacant; and in case such Person shall wilfully neglect or refuse, for the Space of One Month after any such Order shall have been in force, to comply with the Directions contained therein, he shall be liable to a Penalty not exceeding Forty Shillings for every Week after the Expiration of such Period of One Month that he shall so neglect or refuse to appoint such Collector, Weighmaster, or other Officer; and the Commissioner shall be at liberty to appoint some proper Person to fill such Office, and to assign to him a Salary in respect thereof; and such Appointment and Salary, when so made, shall be as valid and effectual as if made and done by the Owner of such Market or Fair.

Officer to
make Decla-
ration that
he will
faithfully
discharge
his Duties.

XLIII. Every Officer so appointed shall, before entering on the Duties of his Office, make a Declaration before some Justice of the Peace that he will faithfully and honestly discharge the Duties of such Office, which Declaration any Justice of the Peace is hereby authorized to take, and the same shall be made under the Provisions of an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Sixty-two.

Penalty on
obstructing
Inspector in
removing
unsaleable
Meat.

XLIV. Any Officer appointed by the Owner of the Market or Fair may seize any of the Articles specified in the Eighth Section of the "Summary Jurisdiction (Ireland) Act, 1851," exposed for Sale in a Market or Fair, and carry the same before a Justice, and such Justice shall thereupon deal with the Case according to Law; and every Person who shall obstruct or hinder such Officer from seizing or carrying away such Articles shall be liable to a Penalty not exceeding Forty Shillings for every such Offence.

Penalty for
obstructing
Market or
Fair Keeper.

XLV. Every Person who shall assault or obstruct any Constable or Person appointed to superintend the Market or Fair, or to keep Order therein, or to collect Tolls payable in respect thereof, or any Weighmaster or other Officer duly appointed under the Provisions of this Act, whilst in the Execution of his Duty, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings, or to be imprisoned for a Period not exceeding Two Calendar Months.

Power to
Justices to
give Process.

XLVI. If any Collector or other Officer be discharged or suspended from his Office, under the Provisions of this Act, or die, or absent

absent himself, and if such Collector or other Officer, or any of his Family or Representatives, refuse or neglect, after Twenty-four Hours Notice in Writing for that Purpose, to deliver up to the Owner of any Market or Fair under this Act, or to any Person appointed by him for that Purpose, any Toll House, Dwelling House, Office, or other Building, with its Appurtenances, or any Weighing Machine, Beam, Scales, or Weights, or any Books, Papers, or other Matters belonging to any such Owner, in the Possession or Custody of any such Collector or other Officer at the Occurrence of any such Event as aforesaid, in right of his Appointment, then, upon Application being made by such Owner to any Two Justices of the Peace, it shall be lawful for such Justices to order any Constable, with proper Assistance, to enter upon such Toll House, Dwelling House, Office, or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Weighing Machine, Beam, Scales, Weights, Books, Papers, or other Matters, and to deliver the same to the Owner of such Market or Fair, or any Person appointed by him for that Purpose.

section of Toll House, &c. to Persons entitled to Tolls, in case of Toll Collectors, &c. discharged or suspended.

XLVII. The Owner of any Market or Fair may from Time to Time demise and let the Market Places and the Weighing Houses or Places, and Machines, Stallages, Rents, or Tolls, to which such Person or Persons are entitled under this Act, or any of them, for any Period not exceeding Three Years, upon such Terms as may be agreed upon between such Person or Persons and the Person to whom such Lease is made.

Power to lease Tolls.

XLVIII. The Owner of any such Market or Fair may let any of the Stalls, Standing Places, Benches, or other Conveniences in the Market Places, to any Person for any Term not exceeding Three Years.

Power to lease Stalls, &c.

XLIX. No Lessee of any Market Place, Stallage, Rent, Tolls, Stalls, Standing Place, Bench, or Conveniences in a Market or Fair, shall assign, sub-let, or sub-demise the same or any Part thereof, and every such intended Assignment or Sub-lease shall be void, and no Rent shall be recovered in respect thereof.

Clause K. Sub-letting prohibited.

L. Every valid Lease heretofore made and subsisting at the Commencement of this Act shall continue so to be, according to its Tenor and Effect; and if by reason of any of the Provisions of this Act any Question shall arise between the Owner of the Market or Fair, and the Lessee in any such Lease, as to the Construction or Operation or Effect thereof, the same shall be referred to the Commissioner, who shall make an Order in respect of the same, and insert in such Order the Particulars of such Alteration in or Modification of the Lease as he shall deem necessary, to adapt it to the altered

Clause L. Leases of Tolls made before Act to remain valid, and be adapted to altered State of Circumstances by Order of Commissioner, subject to Appeal.

State of Circumstances occasioned by this Act, as nearly as may be, and to carry out the true Intent and Meaning of the Parties thereto; and every such Order shall be liable to be appealed from to One of the Superior Courts of Law in Ireland, and such Appeal shall be heard and determined as herein-before provided in respect of Appeals 5 as to the Ownership of Fairs; provided that if there be no Appeal within Three Calendar Months from the Date of such Order, or if the Report on such Appeal shall affirm or vary such Order, the Alteration or Modification of the Lease specified in such Order, or varied by the Report on such Appeal, shall be carried into effect by 10 by Indorsement on the Lease, or by some separate Instrument, as the Commissioner or Court shall determine.

*Lessee, &c.
to be deemed
Collectors.*

LI. During the Continuance of any Lease, the Lessee, and also all Persons appointed by him or them to collect the Tolls and Rates so let, shall be deemed Collectors of Tolls and Rates so let, and 15 they shall have the same Powers to collect and recover such Tolls and Rates, and be subject to the same Rules, Duties, and Penalties in reference thereto, and shall be appointed in the same Manner, as if they had been appointed for that Purpose by the Owner of such Tolls and Rates. 20

*Lessee, &c.
making
default to be
removed.*

LII. If any Lease shall have become void or voidable, according to any Stipulation therein contained for that Purpose, by reason of the Failure or Omission on the Part of the Lessee to comply with any of the Terms of such Lease, or if all or any Part of the Rent thereby reserved shall be in arrear and unpaid for Twenty-one Days after the 25 same shall have become payable, then, upon Application made by the Owner of the Tolls or Rates so let to any Justice of the District, it shall be lawful for such Justice to order any Constable, with proper Assistance, to enter upon any Toll House, Dwelling House, Office, Weighing Machine, or other Building belonging to such Owner, and 30 to remove from the same the Lessee or Assignee, or Collector or other Person found therein, together with his Goods, and take possession thereof, and of all Property found therein belonging to the Owner of such Tolls or Rates so let, and deliver the same to him, or any Person authorized by him for that Purpose. 35

*Power of
re-letting
Tolls.*

LIII. Upon such Possession being obtained, it shall be lawful for the Owner of the Tolls or Rates so let to determine the Lease, if any, previously subsisting, and the same shall accordingly be utterly void, except as to the Remedies of the Lessors for Payment of the Rent due, or for unperformed or broken Obligations or Conditions on the 40 Lessee's Part, all of which Remedies shall remain in force; and in every Case, either during such Proceeding or on the Determination thereof,

thereof, the Owners of such Tolls and Rates may again let the Tolls and Rates to any Person, or cause them to be collected, in the same Manner as if no such Lense had been made relative thereto.

- LIV. And whereas by the "Summary Jurisdiction (Ireland) Act 5 1851," it is enacted, that whenever any Dispute shall arise between any Buyer and Seller relating to the Terms of Sale, Delivery, Price, or Payment for any Article, Matter, or Thing which shall be exhibited for Sale in any Fair or Market (and which shall not be of a greater Value than Five Pounds), it shall be lawful for any Justice 10 within his Jurisdiction either to proceed at once to hear and determine such Dispute, upon the Complaint of either Party, and in Presence of both Parties, and after causing all Parties to be brought before him for that Purpose, or to adjourn the Hearing thereof to the next Petty Sessions of the District; and it shall be lawful for such 15 Justices, or the Justices at such Petty Sessions, having examined into the said Complaint, upon the Oath of either of the Parties, or of any Witness or Witnesses, to make an Award thereon according to the Merits of the Case, and such Award shall be in Writing, and shall have the like Force and Effect as any Order made at Petty Sessions: The 20 said Enactment shall extend and be applicable in the Case of any Dispute which shall arise between any Buyer and Seller relating to the Sale, or Terms of Sale, Delivery, Price, or Payment for any Article, Matter, or Thing in any Fair or Market where the Amount of the Price to be paid for such Article, Matter, or Thing shall not exceed 25 Thirty Pounds, or where the Sum in dispute shall not exceed Five Pounds, and the Amount awarded by the Justice shall be recoverable in like Manner as the Penalties imposed by this Act.

Power of
Parties to
settle Dis-
putes of
Sales in Fairs
or Markets
extended to
Cases where
Amount in
dispute does not
exceed 50*l*.

- LV. All Sales to be made at any Market or Fair in Ireland of any Corn, Potatoes, Hay, Straw, Flax, Green Food for Cattle, 30 Carcases of Beef, dead Pigs, Butter, Wool, Hides and Skins, and such other Articles as the Commissioner may from Time to Time by any Byelaw appoint, shall be made by the following Weights, or some Multiple or Sub-multiple thereof respectively, from and after the First Day of October next after the passing of this Act; that is 35 to say, the Pound, the Stone of Fourteen Pounds, the Quarter Hundred of Twenty-eight Pounds, the Half Hundred of Fifty-six Pounds, the Hundredweight of One hundred and twelve Pounds, or by the Ton of Twenty such Hundredweight; all Imperial Standard Weight.

Mode of
weighing
certain Com-
modities.

- LVI. All Articles, of what Nature or Kind soever, which shall be 40 weighed at any such Market or Fair, shall be weighed and paid for at their just Weights, net Standing Beam, without any Deductions or Allowances, whether for Tret, Beamage, or Portorage, or otherwise

No Allow-
ance to be
made in
weighing for
Beamage,
&c.

[110.]

C

howsoever,

howsoever, the Weight of any Vessel, Sack, Bag, Picken, or other Thing (if any) containing the same alone excepted; and any Person taking any such Allowance or Deduction, with or without the Consent of the Seller, or buying or selling any Article by any Weight different from those herein specified, shall forfeit and pay for every such Offence 5 any Sum not exceeding Forty Shillings, and also such further Sum or Sums of Money to the Seller, as Compensation for any such Deductions, Allowances, or Substitutions of Weights, as the said Justices shall in that Behalf award.

Owners of
Markets, &c.
to provide
proper
Weights and
Measures for
weighing
Commodities
sold.

LVII. The Owner of any Market or Fair shall provide and always 10 maintain sufficient and proper Weighing Houses, or Places for weighing or measuring the Commodities sold in the Market or Fair, and chargeable with Tolls, and shall keep therein proper Weights, Scales, and Measures, according to the Standard Weights and Measures for the Time being for weighing and measuring such Commodities as 15 aforesaid, and shall, subject, however, to the Provisions in that Behalf herein-before contained, appoint proper Persons to attend to the weighing or measuring such Commodities at all Times during which the Market or Fair is holden.

Inspection of
Weights and
Measures.

14 & 15 Vict.
c. 92. s. 18.

LVIII. The Owner of any Market or Fair may, at such Times 20 as shall appear to him or them reasonable, not being less than once in every Three Months, require any Person appointed by the Grand Jury of any County to be an Inspector of Weights and Measures within the District in which any such Market or Fair shall be situate, or any Head or other Constable who shall have 25 been selected to be an ex-officio Inspector of Weights and Measures within such District, to inspect the Weights and Measures used by any Person for the Sale of any Article in such Market or Fair, and the Inspector or ex officio Inspector respectively shall thereupon execute the Duties of his Office in such Market or Fair, with the like Powers, 30 Liberties, and Indemnities as if he had been duly required by the Grand Jury of the County, or by the Justices at Petty Sessions respectively, to perform such Duties, and shall be subject to the like Penalties for any Neglect or Offence in the Discharge of such Duties as any Inspector of Weights and Measures may be liable to 35 under and by virtue of an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Sixty-three; and any Person who shall use in such Market or Fair any Weight or Measure, other than those authorized by the said last-recited Act, for the Sale of any Article, shall on Conviction thereof be subject to 40 the like Penalties for such Offence as any Person may be liable to for the like Offence under and by virtue of an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Ninety-two.

LIX. Every

LIX. Every Person selling or offering for Sale any Articles in any Market or Fair shall, if he shall so think fit, or be required so to do by the Buyer, cause the same to be weighed or measured by the Weights and Scales or Measures provided as aforesaid; and any such Person who shall refuse, on Demand, to cause such Articles to be weighed or measured in manner aforesaid, shall be liable to a Penalty not exceeding Forty Shillings.

Articles to be weighed if requested by the Buyer, &c.

Penalty for Refusal.

LX. From and after the passing of this Act, it shall not be lawful for any Person or Persons, other than the Owner or Owners of the Market or Fair, to erect any Crane or other Machinery within such Market or Fair, or within Three Miles thereof, for the Purpose of weighing, for Hire, upon the Day or Days on which such Market or Fair shall be holden, any Article for the weighing of which Toll is payable at such Market or Fair; and any Person found offending against this Provision shall for every Article he shall so weigh be liable to a Penalty not exceeding Forty Shillings.

No Person, except Owner of Market, &c. shall erect Machine for weighing Articles sold therein.

LXI. Every Weighmaster who shall refuse or neglect to weigh or measure, or to give a Ticket to the Person requiring him so to weigh or measure, specifying the Nature, gross Weight or Bulk or Measure, of the Article measured, being an Article sold in the Market, and in respect of the weighing or measuring of which a Toll is payable, shall be liable to a Penalty not exceeding Forty Shillings.

CLASS M.
Penalty on Weighmaster refusing to weigh.

LXII. Every Person who shall knowingly act or assist in committing any Fraud respecting the weighing or Weight of any Article, in pursuance of this Act, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty on other Parties committing Frauds as to weighing.

LXIII. If the Commissioner shall by any Order so direct, the Owner of any Market or Fair shall provide sufficient and proper Buildings or Places for weighing Carts in which Goods are brought for Sale within such Market or Fair, and shall keep therein Machines and Weights proper for that Purpose, and shall from Time to Time appoint a Person in every such Building or Place to afford the Use of such Machines to the Public by weighing such Carts, with or without their Loading, as may be required.

Owner of Market, &c., if required by Commissioner, to keep proper Machines for weighing Carts laden with Goods.

LXIV. The Driver of every such Cart shall, at the Request of the Buyer or Seller of such Goods, or his Agent, take such Cart, with or without the Loading thereof, to the nearest of the said Weighing Machines, and shall permit the same to be weighed; and if such Cart be weighed with its Load thereupon, the Driver shall, if required, take such Cart, after its Load has been discharged, to the Weighing Machine

Carts to be weighed at One of the Machines erected by the Owner of Market, &c.

nearest to such Place of Discharge, and permit it to be re-weighed without such Load; and if any such Driver shall for the Purposes aforesaid be required to take such Cart a greater Distance than Half a Mile, including the going to and returning from such Machines respectively, the Owner of the Cart shall be paid for every Horse 5 which shall be used in drawing such Cart Twopenny for the First Half Mile, and a like Sum for every additional Half Mile; and such Payment shall be made by the Person requiring such Cart to be weighed as aforesaid, before the Driver shall be obliged to take it a. aforesaid for the Purpose of having it weighed. 10

Penalty on Drivers for refusing to take Carts to be weighed, &c.

LXV. The Driver of any such Cart who shall not, upon being so requested as aforesaid, and having such Payment made or tendered as aforesaid, take the same to such Weighing Machine as herein-before directed, or who shall refuse to assist in the weighing of the same, shall forfeit to the Person requiring such Cart to be weighed a Sum 15 not exceeding Twenty Shillings.

Penalties on Drivers of Carts, &c. committing Frauds in weighing.

LXVI. Every Driver of any such Cart weighed at any Weighing Machine to be provided in pursuance of this Act, who shall commit any of the following Offences, shall be liable to a Penalty not exceeding 20 Five Pounds for each Offence; (that is to say,)

If he at the Time of weighing any such Cart knowingly have anything in or about the same other than the proper Loading thereof:

If he alter any Ticket denoting the Weight of any such Cart or the Loading of the same: 25

If he make or use, or be privy to making or using, any Ticket falsely stating the Weight of any such Cart or the Loading thereof:

If he, after the weighing of any such Cart with the Loading thereof, remove any Part of such Loading, and afterwards dispose 30 of or attempt to dispose of or represent the Residue of such Loading as being the full Loading denoted by such Ticket:

If he, between the Time when the Cart and the Loading thereof have been so weighed and the Time when such Cart so weighed without such Loading, change the Wheels of such Cart, or make 35 any other Change upon it after being required to allow such Cart to be weighed without the Loading thereof:

If he be guilty of any other fraudulent Contrivance to misrepresent the Weight of any such Cart or of the Loading thereof.

Penalty on Buyers or Sellers for committing Frauds in weighing.

LXVII. If the Buyer or Seller of any Goods brought in any Cart 40 for Sale within the Market or Fair, and which shall be required to be weighed as aforesaid, shall do anything to such Cart or its Loading whereby

whereby the true Weight thereof respectively shall be altered before such weighing, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

LXVIII. The Person for the Time being appointed to keep any Weighing Machine provided in pursuance of this Act shall be liable to a Penalty not exceeding Five Pounds, in any of the following Cases; that is to say,

*Penalties for
Frauds com-
mitted by the
Machine
Keeper.*

If he wilfully neglect, on Application, duly to weigh any Cart, with or without its Loading, as the Case may be, that is brought to the Machine kept by him to be weighed :

If he do not fairly weigh every such Cart, with or without its Loading, as the Case may be :

If he do not deliver to the Buyer or Seller of any such Loading, or to any Person interested therein, on Application, a Ticket or Account specifying the true Weight of such Cart, with or without its Loading, as may be required :

If he give to the Driver of any such Cart a false Ticket or Account of the Weight of such Cart, with or without the Loading thereof :

If he weigh any Cart, with or without its Loading, knowing that anything had been done to such Cart or to the Loading thereof to alter the true Weight thereof respectively :

If he knowingly assist in or connive at any Fraud concerning the weighing of any Cart or the Loading thereof, or make or connive at making any false Representation of the Weight of the same respectively.

LXIX. Every Person who shall knowingly aid or assist in committing any Fraud respecting the weighing or Weight of any Cart or the Loading thereof, in pursuance of this Act, shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

*Penalty on
other Parties
committing
Frauds as to
weighing.*

LXX. The Tolls in respect of any covered or uncovered Shed, Stall, Bulk, Block, Bench, Trestles, Standing Place, Compartment, Space, Station, or Cart used by any Person for selling or exposing for Sale Flesh Meat, Fish, Cheese, Butter, Vegetables, Fruit, Glass, Earthenware, Cloth, Hosiery, or other Goods, Article, Matter, or Thing whatsoever, or for exposing for Sale any Article, Matter, or Thing on the Surface of the Ground, shall become payable upon the Commencement of the Market or Fair, to be notified in the Manner hereinafter mentioned, and shall be levied and paid as soon after the Commencement of such Market or Fair as such Tolls can be reasonably collected.

*CLASSE N.
Tolls in
respect of
covered
Sheds, &c.
payable upon
Commence-
ment of
Market or
Fair.*

CLAUSE O.
Tolls for
weighing to
be paid to
Persons
authorized
before the
Articles are
weighed, &c.

LXXI. The Tolls in respect of the weighing or measuring any of the Articles specified in the Schedule to this Act annexed, and in respect of the weighing or measuring of which Tolls are payable, shall be paid to the Weighmaster weighing or measuring the same by the Persons requiring the same to be weighed or measured, before 5 the same shall be so weighed or measured.

CLAUSE P.
Tolls in
respect of
Cattle, when
dun.

LXXII. The Tolls in respect of any Cattle brought into any Market or Fair for Sale shall become payable before-hand, and in anticipation of the Easement or Accommodation thereby and therein afforded, and in respect of which the same is payable, and shall be levied and 10 paid upon the Entrance of such Cattle into any such Market or Fair, and before such Cattle have been put into any Pen or tied up therein, or in any way exhibited for Sale in such Market or Fair.

CLAUSE Q.
Penalty on
taking a
greater Toll
than author-
ized by this
Act.

LXXIII. Every Person who shall demand or receive a greater Toll than that authorized to be taken under the Provisions of this 15 Act, or who shall demand Tolls in respect of any Article in respect of which Tolls are not payable under the Provisions of this Act, or who shall knowingly and wilfully demand Tolls upon any Article in respect of which Tolls have been already levied and paid, shall for every such Offence be liable to a Penalty not exceeding Forty 20 Shillings.

CLAUSE R.
Cattle in
respect of
which Par-
ties refuse
to pay Tolls
not to be
admitted,
and if admit-
ted may be
turned out
with Articles
liable to
Tolls where
Owners re-
fuse to pay
the same.

LXXIV. If any Person liable to the Payment of any Tolls author- ized by this Act to be taken do not pay the same when demanded, any Person authorized to collect the same may refuse to admit the Cattle or other Articles in respect of which Tolls are so demanded 25 into the Market or Fair, and in case such Cattle or other Article in respect of which Tolls are payable have already obtained Ad- mission into such Market or Fair, may remove, expel, and turn out such Cattle or Article therefrom and thereout.

CLAUSE S.
Markets and
Fairs to be
commenced
and to ter-
minate at a
fixed Hour,
under a
Penalty.

LXXV. Every Market or Fair held under the Provisions of this 30 Act shall be commenced at an Hour to be fixed by the Commissioner, and to be posted at the Entrance to the Market or Fair, by the ringing of a Bell, and shall terminate in like Manner: Provided always, that every Owner of any Market or Fair shall be liable to a Penalty of Five Pounds for every Half Hour that the Commence- 35 ment of such Market or Fair shall be postponed or the closing of such Market or Fair delayed as herein-before mentioned.

CLAUSE T.
Recovery of
Penalties.
14 & 15 Vict.
c. 92, 93.

LXXVI. The Provisions of "The Summary Jurisdiction (Ireland) Act, 1851," and of "The Petty Sessions (Ireland) Act, 1851," shall, so far as the same are applicable, extend to the Recovery 40 of

of all Penalties imposed by the Provisions of this Act; and the Commission or Omission of any of the acts herein-before mentioned, subjecting the Parties committing or omitting the same to any Penalties herein-before declared, shall be an Offence within the
 5 Meaning of the Twenty-second Section of "The Petty Sessions (Ireland) Act, 1851," and the Penalties shall be recoverable in the Manner therein provided for the Recovery of Penalties under that Act.

LXXVII. If any Dispute arise concerning any Tolls, such Dis-
 10 pute shall be determined by a Justice; and such Justice shall, on Application made to him, determine the same, and make such Order therein, and award such Costs to either Party, as to him shall seem proper; and in default of Payment, on Demand, of the Money which shall be so awarded, and of the Costs, the same shall be forthwith
 15 levied by Distress, and the Justice shall issue his Warrant accordingly.

Disputes
respecting
Tolls how to
be settled.

LXXVIII. This Act shall extend only to Ireland; and nothing herein contained, save and except the Provisions for regulating the Mode of weighing certain Commodities contained in Sections Fifty-
 20 five and Fifty-six, and the Provisions contained in Section Forty, requiring a Register of the Quantity of Articles sold in Markets or Fairs and other Particulars to be kept, shall extend to or affect the Borough of Dublin, or any Market or Fair regulated by any Local Act of Parliament, or held under the Provisions of any such Local
 25 Act.

Act not to
extend to
Dublin, or
Markets, &c.,
under Local
Acts.

SCHEDULE.

Tolls payable.

For every covered or uncovered Shed, Stall, Bulk, Block, Bench, Trestle, Standing Place, Compartment, Space, or Station used by any Person for exposing to Sale Flesh Meat, Cheese, Bacon, pickled Pork, Fish, or any other Victuals, Vegetables, Fruit, Glass, Earthenware, or other Goods, Article, Commodity, or Thing whatsoever, (except as herein otherwise specifically charged,) the following Tolls per Day shall be taken:—

Not exceeding Six Feet by Five Feet, One Shilling :

Not exceeding Nine Feet by Five Feet, One Shilling and Sixpence :

Not exceeding Twelve Feet by Five Feet, Two Shillings :

And in the same Proportion for any larger Space.

Carts.

For every Cart or other Vehicle used by any Person for exposing or in which shall be exposed to Sale any Article, Commodity, or Thing, the following Tolls per Day:—

If drawn by One Horse, Ninepence; by Two Horses, One Shilling :

If drawn by any One other Animal, Sixpence; or if by Two other Animals, Ninepence.

Butter.

For every Basket, Parcel, or Quantity of Butter not exceeding Twelve Pounds Weight, One Penny per Day :

For each additional Six Pounds Weight, One Halfpenny per Day.

Game and Poultry.

For Poultry, including Fowls, Chickens and Ducks, Wild Fowls, Pigeons, and Rabbits; viz.—

Not exceeding Three Couple, One Penny per Day :

For each additional Three Couple, One Penny per Day :

For every Turkey or Goose, One Penny per Day :

For every Head of Game, One Penny per Day :

For each Dozen of all other Description of Birds, Twopence per Day.

Eggs.

Eggs.

For every Basket, Parcel, or Quantity of Eggs after One Dozen, One Halfpenny per Day :

For each additional Dozen, One Halfpenny per Day.

Cattle.

For the Exposure to Sale of Horses or other Beasts, Cattle, or Pigs as follows ; (that is to say,)

For every Horse, Mare, or Gelding, Fourpence :

For every Mule, Ass, Colt, Filly, or Foal, Twopence :

For every Bull, Ox, Cow, Heifer, or Steer, Threepence :

For every Stallion exposed or shown on a Market Day, One Shilling :

For every Calf, One Penny :

For every Score of Sheep or Lambs, Tenpence :

For every Score of Pigs, Tenpence :

For every Score of Sucking Pigs, Fivepence :

And so on in proportion for any greater Number, and One or more, not exceeding Five, to be paid for as a Quarter of a Score.

Fruit.

For every Quantity not exceeding Half a Bushel, Twopence per Day :

For every Quantity exceeding Half a Bushel and not exceeding One Bushel, Fourpence per Day :

For every additional Half Bushel, Twopence per Day.

Vegetables.

For every Quantity not exceeding One Bushel, Twopence per Day :

For every additional Half Bushel, One Penny per Day.

Fish.

For all Salmon, Trout, Turbot, Mackerel, and Soles, at the Rate of Twopence per Stone per Day :

All other Kinds of Fish, except Shellfish, at the Rate of One Penny per Stone per Day :

For every Description of Shellfish, at the Rate of Fourpence per Bushel per Day.

Weighing and Measuring.

For weighing every Piece of Meat or any other Article or Thing weighing not more than Twenty Pounds Avoirdupois, One Halfpenny :

For weighing every Piece of Meat or other Article or Thing weighing more than Twenty Pounds and not exceeding One hundred

Pounds, One Penny, and so in proportion for any greater or smaller Quantity than One hundred Pounds Weight over and above One hundred Pounds Weight :

For measuring any Quantity of Goods and Things sold by Measure not exceeding One Bushel, One Halfpenny :

For measuring every Quantity more than a Bushel and not exceeding Two Bushels, One Penny :

And for every Bushel beyond Two Bushels, One Halfpenny.

Weighing Machines.

For weighing any Cart or other Carriage not exceeding One Ton, Fourpence :

And so in proportion for any greater Weight than One Ton.

General Tolls.

For every Basket, Hamper, Parcel, or Quantity of any other Goods, Commodity, Article, or Thing exposed or offered for Sale there, not before specifically charged or enumerated, or falling within any of the preceding Heads ; that is to say,

If the Spot on which the Person shall stand be covered over from the Weather, not containing more than One Bushel, One Penny Halfpenny :

For every additional Half Bushel, Three Farthings.

If the Spot be not covered over as above, not containing more than One Bushel, One Penny :

For every additional Bushel, One Halfpenny.

The above-mentioned Tolls and Stallage in the said Markets and Fairs to be paid and payable in respect to the Occupation of any Stall, Bench, Compartment, or Space of Ground, as well by the original Taker or Occupier thereof for a Part or Portion of the Day or Space of Time, as by any subsequent Taker or Occupier of the same for any other Part or Portion of the Day or Space of Time.

**Markets and Fairs
(Ireland).**

A

B I L L

[as AMENDMENT TO AN ACT.]

For the Regulation of Markets and Fairs
in Ireland.

*(Prepared and brought in by
Mr. Henry Herbert and Mr. Attorney General
for Ireland.)*

Ordered, by The House of Commons, to be Printed,
7 June 1836.

[No 110.]

Under 4 cc.